

REMARKS

Favorable reconsideration and allowance of the present application in view of the foregoing amendments and following remarks are respectfully requested.

Currently, claims 1-8, 10-19 and 41-59 remain pending in the present application, including independent claims 1, 14 and 47. In general, the claims are directed to an elastic film that contains a thermoplastic polyurethane elastomer and a filler. The film has been stretched in an amount sufficient to form micropores adjacent to the filler particles. For instance, the film layer may have a WTVR of at least $1000 \text{ g/m}^2 - 24 \text{ hours}$.

In the Office Action, claims 47-57 were indicated as being allowed. Claim 9 was also indicated as being allowable. In response, the limitations of claim 9 have now been incorporated into claim 1. As such, it is believed that claims 1-8 and 10-13 are in complete condition for allowance.

Claim 14 has been further amended to state that the elastic film comprises an elastic polymer film material and a filler. The elastic polymer film material consists of a thermoplastic polyurethane elastomer. As now amended, claim 14 excludes the use of other polymeric film materials in forming the elastic film.

In the Office Action, claim 14 was rejected in view of Kaneko. Kaneko is directed to a porous film. As opposed to claim 14, instead of being formed from an elastic polymer film material that consists of a thermoplastic polyurethane elastomer, Kaneko teaches forming the film from primarily an ethylene- α -olefin copolymer. The ethylene- α -olefin copolymer is combined with a thermoplastic elastomer. In one of the embodiments disclosed in Kaneko, the thermoplastic elastomer may be a polyurethane.

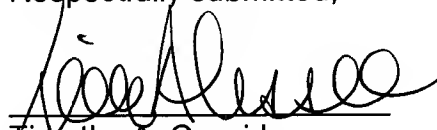
Thus, Kaneko fails to disclose or suggest forming the film from only a thermoplastic polyurethane elastomer as the film forming material. In fact, Kaneko states in column 5 that the elastic film is formed from two components that "**must be**" such that the ethylene- α -olefin copolymer is 65-90% by weight and the thermoplastic elastomer is 35-10% by weight. Thus, Kaneko makes clear that the elastic films disclosed therein and the properties that are obtained are only possible through the use of at least two polymeric film forming components.

Of particular advantage, the elastic films of the present invention may be formed using only a single polymer film material that consists of a thermoplastic polyurethane elastomer. No further polymer film materials are needed or are necessary. As such, it is believed that claim 14 and the claims dependent thereon patentably define over Kaneko.

In summary, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Should any issues remain after consideration of this amendment, however, then Examiner Vo is invited and encouraged to telephone the undersigned at her convenience.

Respectfully submitted,

Sept 29, 2003
Date


Timothy A. Cassidy
Reg. No. 38,024
DORITY & MANNING, P.A.
P.O. Box 1449
Greenville, SC 29602
(864) 271-1592
(864) 233-7342